

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette, Series II No. 35 dated 1-12-94, namely Extraordinary dated 1-12-94 from pages 547 to 548 regarding Notifications from Revenue Department and Dept. of Labour.

GOVERNMENT OF GOA

General Administration and Coordination Department

Addendum

No. 8/6/94-STE

Read:— Government Notification No. 8-6-94-STE dated 25-7-1994.

The Government is pleased to include the following Members in the Committee constituted to study the dust pollution at Curchorem vide Notification referred to above.

- 1) Advocate Lavu Rama Naik, Curchorem-Goa—Member.
- 2) Shri Niraj S. Naik, Vishwanbharwadi, Sanvordem-Goa—Member.
- 3) Dr. Nandakumar Kamat, Institute of Safety and Boilers, Altinho, Panaji-Goa—Member.

By order and in the name of the Governor of Goa.

T. J. Faleiro, Under Secretary (GA).

Panaji, 7th November, 1994.

Planning Department

Order

No. 4-3-81/PLG-Vol. II

Read: 1. Government Order No. 4-3-81/PLG-Part dated 25-2-1987.

2. Government Order No. 4-3-81/PLG-Vol. II dated 29-8-1994.

Sanction of the Government is hereby conveyed for extension of deputation of Shri A. M. Shaikh, Statistical Officer Group "B" Gazetted of Common Statistical Cadre of the Dte. of Planning, Statistics & Evaluation, Panaji who is on deputation in R. D. A., Panaji for a further period upto 31-3-1995 to man the post of Assistant Project Officer (I.R.E.P.) on the condition that he will not be entitled for deputation allowances for the above extended period of deputation. The rest of the terms and conditions are as indicated in the Government Order No. 4-3-81/PLG-Part dated 25-2-1987.

By order and in the name of the Governor of Goa.

G. S. Zuarkar, Under Secretary (Budget).

Panaji, 25th November, 1994.

Education Department

Order

No. 13/2/92-EDN

Government is pleased to accept the technical resignation tendered by Kum. Ermelinda Dias, Lecturer in History in Govt. College of Arts, Science & Commerce, Quepem, appointed on regular basis vide Government Order of even number dated 27-1-92, w.e.f. 1-9-1993 consequent upon her joining the Indian Information and Broadcasting Service in New Delhi.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 10th November, 1994.

Agriculture Department

Order

No. 2-7-94-AGR

Read: 1) Govt. Order No. 2-7-94-AGR dated 9-3-94.

2) No. COM/II/11/2(3)/92 dated 21-10-94.

On the recommendation of the Goa Public Service Commission, sanction of the Government is hereby conveyed for extending the period of ad hoc appointment of Shri B. C. Haldankar, Deputy Director of Agriculture (A.E.) in the Directorate of Agriculture for a further period from 10-9-94 to 10-3-95.

By order and in the name of the Governor of Goa.

D. H. Kenowadeker, Under Secretary (Agriculture).

Panaji, 8th November, 1994.

Department of Animal Husbandry and Veterinary Services

Order

No. 2-2-89-AH

Read: Order No. 2-2-89-AH dated 6-6-94.

On the recommendation of the Goa Public Service Commission as conveyed under their letter No. COM/I/3/3(1)/94 dated 3-11-94, sanction of the Government is hereby conveyed to continue the ad-hoc appointments of following Subject Matter Specialists (since redesignated as Assistant Director) in the Directorate of Animal Husbandry & Veterinary Services, Panaji for a further period of six months with effect from 1-10-94.

1. Dr. S. B. Shet.
2. Dr. H. N. Singh.

Similarly, the ad hoc appointments of following Veterinary Officers in the Directorate of Animal Husbandry & Veterinary Services, Panaji are hereby continued upto 31-12-94, or till the posts are filled on regular basis, whichever, is earlier.

1. Dr. A. A. R. Misquita.
2. Dr. Prakash M. Rane.
3. Dr. Marwin Lopes.
4. Dr. Prashant V. Naik.
5. Dr. Satyavan B. Naik.
6. Dr. Veena S. Kumar.

By order and in the name of the Governor of Goa.

D. H. Kenowadeker, Under Secretary (Animal Husb.).

Panaji, 8th November, 1994.

Department of Cooperation

Office of the Registrar of Coop. Societies and Ex-Officio
Jt. Secretary

Order

No. 48-1-90/TS

- Read:— 1. This Office Order No. 48-1-90/TS dated 18-5-1993.
2. Letter dated 1-9-1994 from Shri Gokuldas N. Naik Registrar's Nominee Panaji.
3. Letter No. 44/215/98/ABN/ARCZ/94-95/215 dated 7-10-94 from Asstt. Registrar of Coop. Societies, Central Zone, Panaji.

By virtue of powers delegated to me vide Government Order No. 42-4-90/TS dated 21-5-1993 and in terms of sub-section (1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa read with Sub-Rule (1) of Rule 73 of the Cooperative Societies Rules, 1962, I, G. S. Patil, Dy. Registrar of Cooperative Societies, Goa am pleased to extend the term of appointment of Adv. Gokuldas N. Naik, Panaji as Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies, Central Zone Panaji for further period of one year with retrospective effect from 18-5-1994 to 31-3-1995.

G. S. Patil, Dy. Registrar of Coop. Societies.

Panaji, 24th October, 1994.

Office of the Asstt. Registrar of Cooperative Societies

Notification

No. 5-518-1994/ARSZ/Credit

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, the Automotive Employees Credit Cooperative Society Ltd., Vasco da Gama is registered under code symbol No. 8-RES-(a)-/69/South Goa/94.

Sd/- (M. A. Desai), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 27th January, 1994.

Certificate of Registration

The Goa Automotive Employees Credit Cooperative Society Ltd., Vasco da Gama has been registered on 27-1-1994 and it bears registration code symbol No. 8-RES-(a)-/69/South Goa/94 and it is classified as "Resource Society" under Sub-Classification (a) of Clause-8 in terms of Rule 9 of Coop. Societies Rules, 1962 for the State of Goa.

Sd/- (M. A. Desai), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 27th January, 1994.

Notification

No. 5-521-1994/ARSZ/Gen

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, Cacoda-Cudchodem Pani Vantap Vyavastha Sahakari Sauntha Maryadit, Cacoda-Quepem-Goa is registered under code symbol No. 9-GEN-(c)-9/South Goa/94.

Sd/- (Y. S. Manerikar), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 25th February, 1994.

Certificate of Registration

Cacoda Cudchodem Pani Vantap Vyavastha Sahakari Sauntha Maryadit, Cacoda-Quepem-Goa has been registered on 25-2-1994 and it bears registration code symbol No. 9-GEN-(c)-9/South Goa/94 and it is classified as "General Society" under Sub-Classification No. 9-(c)-Others of Rule 9 of Cooperative Societies Rules, 1962 for the State of Goa.

Sd/- (Y. S. Manerikar), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 25th February, 1994.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, the Honda Consumer's Cooperative Society Ltd., Honda-Satari-Goa, is registered under code symbol No. CON-26/NZ/Goa.

Sd/- (G. S. Patil), Asstt. Registrar of Coop. Societies, (North Zone).

Mapusa, 21st February, 1994.

Certificate of Registration

The Honda Consumer's Cooperative Society Ltd., Honda-Satari-Goa has been registered on 21st February, 1994 and it bears registration No. CON-26/NZ/Goa and it is classified as 'Consumer's Society' in terms of Rule 9 of the Cooperative Societies Rules, 1962 for the State of Goa.

Sd/- (G. S. Patil), Asstt. Registrar of Coop. Societies, (North Zone).

Mapusa, 21st February, 1994.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, Navjeevan Pani Vantap Vyavastha Sahakari Sauntha Maryadit, Rawana, Satari-Goa is registered under code Symbol No. GEN-(c)-6/NZ/Goa.

Sd/- (G. S. Patil), Asstt. Registrar of Coop. Societies, (North Zone).

Mapusa, 21st February, 1994.

Certificate of Registration

Navjeevan Pani Vantap Vyavastha Sahakari Sauntha Maryadit Rawana, Satari-Goa has been registered on 21-2-94 and it bears registration Code Symbol No. GEN-(c)-6/NZ/Goa and it is classified as a 'General Society' under Sub-Classification No. 9(c)- Others, in terms of Rule 9 of the Cooperative Societies Rules, 1962 for the State of Goa.

Sd/- (G. S. Patil), Asstt. Registrar of Coop. Societies, (North Zone).

Mapusa, 21st February, 1994.

Notification

No. 5-520-1994/ARSZ/Gen

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, Bethmoddi Pani Vantap Vyavastha Sahakari Saunstha Maryadit, Cacoda-Quepem-Goa is registered under code symbol No. 9-GEN-(C)-8/South Goa/94.

Sd/- (Y. S. Manerikar), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 25th February, 1994.

Certificate of Registration

Bethmoddi Pani Vantap Vyavastha Sahakari Saunstha Maryadit, Cacoda-Quepem-Goa has been registered on 25-2-1994 and it bears registration code symbol No. 9-GEN-(C)-8/South Goa/94 and it is classified as "General Society" under Sub-Classification No. 9-(C)-Others in terms of Rule 9 of Cooperative Societies Rules, 1962 for the State of Goa.

Sd/- (Y. S. Manerikar), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 25th February, 1994.

Notification

No. 5-519-1994/ARSZ/GEN

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, Gaomol-Kottambi Pani Vantap Vyavastha Sahakari Saunstha Maryadit, Kottambi-Quepem-Goa is registered under code symbol No. 9-GEN-(C)-7/South Goa/94.

Sd/- (Y. S. Manerikar), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 18th February, 1994.

Certificate of Registration

Gaomol-Kottambi Pani Vantap Vyavastha Sahakari Saunstha Maryadit, Kottambi-Quepem-Goa has been registered on 18-2-1994 and it bears registration code No. 9-GEN-(C)-7/South Goa/94 and it is classified as "General Society" under Sub-Classification No. 9-(C)-Others in terms of Rule 9 of Cooperative Societies Rules 1962 for the State of Goa.

Sd/- (Y. S. Manerikar), Asstt. Registrar of Coop. Societies, (South Zone).

Margao, 18th February, 1994.

Notification

No. ARCS/CZ/HSG/286/ADM/94

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa, Surabhi Coop. Housing Society Ltd., Mercas, St. Cruz, Tiswadi-Goa is registered under Code Symbol No. ARCS/CZ/HSG/272-(b)/Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 17th October, 1994.

Certificate of Registration

Surabhi Coop. Housing Society Ltd., Mercas, St. Cruz, Tiswadi-Goa, is registered on 17-10-1994 and it bears registration No. ARCS/CZ/HSG/272-(b)/Goa and it is classified as "Housing Society" under Sub-Classification "No. 5(b)-Tenant Co-partnership Housing Society" in terms of Rule 9 of the Coop. Societies Rules, 1962 for the State of Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 17th October, 1994.

Notification

No. ARCS/CZ/Credit/100/ADM/94-95

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa, Shree Shantadurga Shikshan Samiti's Schools' Staff Coop. Credit Society Ltd., Dhavali-Ponda-Goa, is registered under Code Symbol No. ARCS/CZ/8-(a)/91/Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 17th October, 1994.

Certificate of Registration

Shree Shantadurga Shikshan Samiti's Schools' Staff Coop. Credit Society Ltd., Dhavali-Ponda-Goa is registered on 17-10-1994 and it bears registration No. ARCS/CZ/8-(a)/91/Goa, and it is classified as "Resource Society" under Sub-Classification No. "8-(a)-Credit Resource Society" in terms of Rule 9 of the Coop. Societies Rules, 1962 for the State of Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 17th October, 1994.

Notification

No. ARCS/CZ/HSG/271/ADM/94

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, the Vikramaditya Co-operative Housing Society Ltd., Panaji-Goa, is registered under Code Symbol No. ARCS/CZ/HSG/271-(b)/Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 20th October, 1994.

Certificate of Registration

The Vikramaditya Co-operative Housing Society Ltd., Panaji-Goa is registered on 20-10-1994 and it bears registration No. ARCS/CZ/HSG/271-(b)/Goa and it is classified as "Housing Society" under Sub-classification "No. 5-(b)-Tenant Co-partnership Housing Society" in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 20th October, 1994.

Notification

No. ARCS/CZ/HSG/258/ADM/93

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa, Shri Mangurish Krupa Cooperative Housing Society Ltd., Bandora-Ponda-Goa, is registered under Code Symbol No. ARCS/CZ/HSG/8(a)/253/Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 15th March, 1994.

Certificate of Registration

Shri Mangurish Krupa Cooperative Housing Society Ltd., Bandora-Ponda-Goa is registered on 15-3-1994 and it bears registration No. ARCS/CZ/HSG/8(a)-253/Goa and it is classified as "Housing Society" under Sub-Classification No. 5(a)-Tenant Ownership Housing Society in terms of Rule 9 of the Cooperative Societies Rules, 1962 for the State of Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 15th March, 1994.

Notification

No. ARCS/CZ/Credit/89/ADM/93

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa, Ponda Taluka Education Department Staff Coop. Credit Society Ltd., Ponda-Goa is registered under Code Symbol No. ARCS/CZ/8-(a)-82/Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 9th March, 1994.

Certificate of Registration

The Ponda Taluka Education Department Staff Coop. Credit Society Ltd., Ponda-Goa is registered on 9-3-1994 and it bears registration No. ARCS/CZ/8-(a)-82/Goa and it is classified as "Resource Society" under Sub-Classification No. 8(a) "Credit Resource Society" in terms of Rule 9 of the Coop. Societies Rules, 1962 for the State of Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 9th March, 1994.

Notification

No. ARCS/CZ/Credit/87/ADM/93

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to State of Goa, Garware Goa Nets Employees Cooperative Credit Society Ltd., Corlim-Illhas-Goa is registered under code symbol No. ARCS/CZ/8-(a)-81/Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 24th February, 1994.

Certificate of Registration

The Garware Goa Nets Employees Cooperative Credit Society Ltd., Corlim-Illhas-Goa is registered on 24-2-1994 and it bears registration No. ARCS/CZ/8-(a)-81/Goa and it is classified as "Resource Society" under Sub-Classification No. 8(a) "Credit Resource Society" in terms of Rule 9 of the Coop. Societies Rules, 1962 for the State of Goa.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies, (Central Zone).

Panaji, 24th February, 1994.

Revenue Department

Notification

No. 22/64/94-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule appended hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Construction of Gamawaddo road at Parra in Bardez Taluka.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act"), that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under para-

graph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Additional Deputy Collector, (North) Mapusa-Goa to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji-Goa.
2. The Additional Deputy Collector (North) Mapusa-Goa.
3. The Executive Engineer, Division II, (North), Roads P.W.D., Panaji.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Additional Deputy Collector (North) Mapusa-Goa, for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Bardez

Village: Parra

Survey No./ Sub.Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
203/6 part	O: Alex John Bento D'Souza.	25
"2 "	O: Cristin Alvaris.	46
"3 "	T: Domingo Menezes.	
4 "	O: Shrimati Faustino Noranho.	45
" "	O: Antonio Mingel D'Souza.	30
5 "	T: Chandrakant Mangesh Kandolkar.	
" "	O: Shablon Ferrao.	35
" "	T: Rozario D'Cunha.	
9 "	O: Maria Juzinto D'Souza.	325
" "	T: Maria Cossecao Antonio.	
10 "	O: Alberto Antonio Pereira.	90
" "	T: Marcelina Pacheco.	
1 "	O: Maria Escolias D'Souza & Philip Cunha & Paul de Cunha & Virginia F'des & Rozario D'Cunha.	253
" "	T: Verginia Fernandes.	
20 "	O: Cecilia Cardos.	60
" "	T: Santan Quiterio.	
21 "	O: Peter Sebastino D'Souza.	25
" "	T: Chandrakant Manguesh Candolkar.	
22 "	O: Cecelia Cardos.	20
" "	T: Sebastuab Quiteria.	
23 "	O: Joki D'Souza/John D'Souza.	70
" "	Romin D'Souza.	
" "	Elithcio D'Souza.	
24 "	T: Sharmila G. Jadhav.	
" "	O: Jose Maria Fernandes.	19
" "	T: Sharmila G. Jadhav.	
219/32 "	O: Gil Blas Queterio & Padal.	620
" "	Estalino Queterio & Bela Rosalina Quiterio.	
37 "	O: Marthin Gabriel D'Souza.	35
" "	Benial Lobo D'Souza.	
38 "	O: Lucy Joanita Casenino D'Cost.	11
40 "	O: Manuel Santan Quiterio.	145
45 "	O: Clinda Julia Casman Vaz.	10
16 "	O: Rosalina D'Souza.	15
46 "	O: Daniel Pereira.	16
47 "	O: Dattaram Pandary Sangoldkar.	13
19 "	O: Maria Caterina D'Souza.	62

1	2	3
27 part	O: Bento Gama e Albert Gama & Jerry Gama & Live Gama & Francis Gama, Boby Gama.	16
219/28 "	O: Benedict D'Souza.	16
"/21 "	O: Cecelia Cardoz.	56
22 "	O: Clinda Julia Carman Vaz.	60
25 "	O: Bruno Lobo & Irene Pereira Lobo.	56
"/23 "	O: Aento Gama, Albert Gama, Jerry Gama, Live Gama, Francis Gama, Boby Gama.	56
220/9 "	O: Aida Almeida e Barreto & Maria Antonnet Almeida.	75
Boundaries:		
North: 203/1, 219/32, 34, 35, 36, 40, 219/16, 19, 27, 28, 219/21, 22, 23, 25, Nala.		
South: S. No. 203/1 to 6, 9, 10, 20 to 24, S. No. 219/32, 39, 40, 41 to 48, Nala, S. No. 220/9.		
East: Road.		
West: S. No. 217/53, 52.		
Total		2305

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 25th August, 1994.

Public Health Department

Order

No. 13/86/89-I/PHD

In exercise of the powers conferred by sub-section (i) of section 12 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (Central Act 41 of 1992) (hereinafter called the 'said Act'), the Government of Goa hereby authorises the following officers of the Directorate of Food and Drugs Administration for the purposes of said section 12 of the said Act for the entire State of Goa:—

- (1) Shri K. Vijayraj — Assistant Drugs Controller.
- (2) Shri P. K. Jain — do —
- (3) Shri S. S. Sardesai — do —
- (4) Shri M. L. Thakur — Food Inspector.
- (5) Shri Kishor Kamat — do —
- (6) Smt. Iva Fernandes — do —
- (7) Shri Rajiv Korde — do —
- (8) Shri Nelson Fernandes — do —
- (9) Shri Casimiro da Silva — do —
- (10) Shri Sudeshkumar Waingade — do —

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Health).

Panaji, 3rd November, 1994.

Department of Labour

Order

No. 28/52/91-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 10th June, 1992.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA AT PANAJI

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer)

Ref. No. IT/14/88

Shri Peter Simon D'Souza — Workman/Party I
V/s.

M/s. Shantilal Khushaldas & Bros. Pvt. Ltd. — Employer/Party II

Workman represented by Shri K. V. Nadkarni.

Employer represented by Adv. M. S. Bhandokar.

Panaji, Dated: 26th May, 1992.

A W A R D

In exercise of the powers conferred by clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Government of Goa by its order No. 28/43/87-ILD dated 29th March, 1988 has referred the following issue for adjudication by this Tribunal:

"Whether the action of the management of M/s. Shantilal Khushaldas & Bros. Pvt. Ltd., Margao, in terminating the services of Shri Peter Simon D'Souza, Store-Clerk w.e.f. 12-5-1987 is legal and justified.

If not, what relief the workman is entitled to?"

2. On receipt of this reference, a case at No. IT/14/88 was registered and notices were issued to both the parties, in response to which they appeared and submitted their pleadings which can be found at Exb. 2, 3 and 4. On considering the same, my learned Predecessor framed the necessary issues at Exb. 5 and thereafter the matter was posted for hearing.

3. In support of his claim, Party I — Workman examined himself at Exb. 6 and he also produced some documents which can be found from Exhibits 7 to 15. Thereafter the case was posted for employer's evidence. However, the employer did not lead any oral evidence and instead it was submitted to the Tribunal that there was every possibility of settling the matter out of Court and eventually on this date i.e. 26th May, 1992, both the parties submitted a settlement which has been duly verified by me in the presence of the parties and their Advocates. Under the terms of this settlement Party II-Company/Employer agreed to pay Rs. 55,000/- in full and final settlement of the claim made by Party I-Workman. Accordingly, a cheque for the aforesaid amount was offered to the workman which he has accepted in full settlement of his claim. In view of this state of affairs, I pass the following consent award.

ORDER

In terms of the settlement recorded at Exb. 16, the following consent award is hereby passed.

1. It is agreed by the company that Shri Peter Simon De Souza shall be paid a sum of Rs. 55,000/- (Rupees fifty five thousand only) in full and final settlement of his all claims arising out of his employment with the company and all the claims arising out of the above reference.
2. It is agreed by Shri Peter Simon De Souza that amount mentioned in Clause (1) above shall include gratuity, leave salary, bonus if any and all other dues that he may be entitled during the course of his employment.
3. It is agreed by Shri Peter Simon De Souza that he does not press for reinstatement and re-employment in the company and confirms that the amount mentioned in clause (1) fully satisfies his all claims arising out of his employment with the company including any claim in the above reference.
4. It is agreed by the company that the amount mentioned in clause (1) shall be paid to Mr. Peter Simon De Souza in the court today.

No order as to costs. Inform the Government accordingly.

Sd/-

(M. A. Dhavale)
Presiding Officer
Industrial Tribunal

Order

28/38/89-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 20th July, 1992.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA AT PANAJI

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer)

Ref. No. IT/54/89

Shri Martin Duarte

— Workman/Party I

V/s

M/s. G. N. Agarwal (HUF)

— Employer/Party II

Workman represented by Shri Raju Mangueshkar.

Employer represented by Shri S. V. Cuncolienkar.

Panaji, dated: 23-6-1992

AWARD

In exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Government of Goa, by its order No. 28/38/89-LAB dated 17th August, 1989 has referred the following issue for adjudication by this Tribunal:

"Whether the action of the management of M/s G. N. Agarwal (HUF), Margao-Goa, in terminating the services of Shri Martin Duarte, Shovel Operator, with effect from 11-2-1988 is legal and justified.

If not, to what relief the workman is entitled?"

2. On receipt of this reference a case at No. IT/54/89 was registered and notices were served upon both the parties, in response to which they appeared and submitted their pleadings.

3. Party I—Shri Martin Duarte (hereinafter called as the 'Workman'), has filed his claim statement (Exb. 2) wherein he has averred as follows:

Party II—M/s. G. N. Agarwal, (hereinafter called as the 'Employer-Company'), is a Mine owner having several Mines in Goa viz. Bimol, Collem, Kavanem, Quepem, Kudnem, Sanghall, Collem, Forgonem, Betul, etc. Besides mining activities, Employer-Company has also dairies and owns huge properties in several places at Goa. However, it is the say of the workman that the Employer-Company mainly deals in mining business and business in hiring vehicles to the Mining and other establishments in Goa as also to Government Agencies. There is one Garage at Kakoda where about 34 workmen who were designated as Operators, Mechanics, Helpers, Supervisors, Drivers were engaged and their salary ranged from Rs. 500/- to Rs. 1000/-. The workman had put in more than 25 years of service and on account of their honest efforts, the Employer-Company used to get substantial profits. However, it is the grievance of the workman that they were not given fair and proper wages and other facilities. The H.R.A., paid to them is also very meagre. Same is the case with Washing Allowance. The workmen were not given Uniforms, Rainwear etc. Hence, in the year 1986, the workmen joined the Union known as Goa Trade & Commercial Workers' Union. This fact was intimated to the Managing Director of the Company. After the workers joined the above union, the employer's officers started harassing and victimising the workmen. From 14th December, 1986, the workmen placed a charter of demands seeking enhancement in wages and better service conditions and other benefits. Pursuant to the charter of demands, the Employer-Company terminated the services of all the workmen numbering 34. Hence, the workmen raised an industrial dispute

complaining against the illegal termination of services of 34 workmen. The Asst. Labour Commissioner called both the parties and after discussions a settlement was arrived at, which was signed and recorded u/s 12(3) of the I. D. Act. In spite of the clear terms of the settlement, the Employer-Company without discussing with the Union leaders unilaterally decided to retrench 20 workmen w.e.f. 31-1-88. Before the Dy. Labour Commissioner, it was contended that the Employer did not observe the terms in the settlement. The Company's representative admitted that 20 workmen were retrenched w.e.f. 31-1-88 as there was no sufficient work and as the financial position of the Company did not permit them to give rise in wages. This contention was repelled by the workmen who reiterated their demand for reinstating 20 workmen with full back wages and continuity of service. However, there was no settlement and hence the Government was pleased to refer this dispute to this Tribunal. It has been contended that the action of the Employer-Company in terminating the services of Martin Duarte is patently contrary to the terms of the settlement and hence this Tribunal should direct the reinstatement of the workman with other benefits.

4. Party II—M/s. G. N. Agarwal, by its Written Statement at Exb. 3 resisted the workman's claim contending inter alia as follows:

Initially, it has been contended that the present reference is not maintainable in this Tribunal in view of the patent fact that Party I—Martin Duarte is a mining workman. In view of the provisions contained in Sec. 2(A)(1) of the Industrial Disputes Act, Mines is a central subject and this Tribunal having been appointed by the State Government, it has no jurisdiction to adjudicate this dispute. Hence, the present reference is invalid in law. Without prejudice to this contention, it has been contended that the present workman was retrenched in pursuance of the agreement signed by both the parties on 4-11-87. The Employer-Company has also complied with the provisions of Sec. 25 F and 25 G of the I. D. Act which are vital requirements for the retrenchment of the employees. Thus, the retrenchment is perfectly legal and valid. It is true that the workman had joined the Union and the Union had also presented the charter of demands. However, it has been contended that the workman resorted to illegal strike when the charter of demands was under negotiations. The Employer-Company had intimated the Union leaders that it was not possible to accede to the workman's demands for enhancement of wages and other benefits. However, in the settlement and pursuance to clause (i) the Employer-Company agreed to withdraw the termination letters served on all the workmen shown in annexure 'A' of the settlement and reinstated them w.e.f. 6-11-87 with continuity of service. As per clause (3) of the settlement, it was agreed that 14 workmen named in annexure 'A' will be kept at work on regular basis. As per clause (4) of the settlement, it was agreed that in the event there was no work the employer-company agreed to keep the remaining workmen on a 'lay-off' for a period up to 31-1-88 with due notice. As per clause (8) of the settlement, the Union agreed to keep in abeyance the charter of demands. Thus, it has been contended that the Employer-Company had strictly complied with the provisions of the settlement before resorting to any direct action. Thereafter the services of 20 workmen were terminated mostly because there was no work and the Company's financial position was not such which could have enabled it to continue the workmen any more. Now, the present workman by name Martin Duarte was one of the 20 workmen and the Company retrenched his services by paying all his legal dues as contemplated u/s 25 F and 25 G of the I. D. Act and hence it has been contended that the Company's action is perfectly legal and justified. It has been further stated that out of 20 employees 19 employees accepted their legal dues and the matter was closed except the present workman who has raised this dispute contending that the order of termination is not legal and valid. However, for the aforesaid contentions, it has been prayed that the present workman is not entitled to any relief whatsoever and this reference deserves to be rejected for the initial objection raised on behalf of Party II.

5. Thereafter Party-I Workman filed his rejoinder (Exb. 4) wherein he controverted the employer's contention and reiterated his claim made in Exb. 2.

6. On these pleadings my learned Predecessor framed the following issues at Exb. 5.

1. Whether this Tribunal is competent to decide this matter relating to a mining workman as mines is a central subject as provided u/s 2 (a) (i) of Industrial Dis-

putes Act?

2. If the reference is valid and tenable whether the management justifiably terminated the services of the 20 workmen by following the principles u/s 25F and 25G of the Act?
3. Whether this dispute is raised by Party I-Workman Martin Duarte is tenable when other 19 workmen who were similarly retrenched had accepted their termination without dispute by accepting retrenchment compensation as contended in para. 10 of the written Statement Exb. 3?
4. Whether the action of the management in terminating the services of Martin Duarte is just and legal in the given circumstances?
5. What reliefs, if any, is the workman entitled to?
7. My findings on the above issues are as follows for the reasons stated below:
 1. In the negative.
 2. Does not survive for consideration.
 3. Does not survive for consideration.
 4. Does not survive for consideration.
 5. The workman is not entitled to any relief since the reference is to be rejected for want of jurisdiction.

REASONS

8. In order to substantiate their rival claims, parties have led both oral and documentary evidence. Party I-Workman has examined himself at Exb. 6 while on behalf of the Employer-Company two witnesses namely Shri Devidas S. Kudchadkar who is an Executive Officer and Shri Kaniyalal Mandhaniya who is the Agent of Party II have been examined at Exb. 8 and Exb. 11 and both the parties have also produced the relevant documents.

9. Now, the main question that arise for determination is whether the workman is a mining worker or not. Now, it is the say of the workman that he was appointed as Shovel Operator by the Employer-Company in the month of January, 1986. However, it is a common ground that no appointment letter was given to the workman with the result that we have to depend mostly on the oral evidence to find out whether the workman was a mining worker or not. Now, it is also a common ground that G. N. Agarwal has several concerns including mines. Now, the workman in his evidence at Exb. 6 has stated that whenever there was no sufficient work in Agarwal Mines he used to be sent for work either in the Mines or at Savordem plot where he used to do the work of a Shovel Operator. He has also stated that when he had no work at Mines, he used to sit at the Garage. Now, although M/s G. N. Agarwal have several other concerns, still the workman has admitted that he had no concern with agricultural or dairy product conducted by G. N. Agarwal. The employer-company used to give on hire the machinery to others and in that event the workman used to attend that work. Besides him, there were 32 other workmen who were serving as helpers, cleaners and drivers. However, all of them used to repair the machinery in the Garage. In his cross examination, he has admitted that he was working on the shovel machine in Mines at Bimol, Depos Mines and at Vasco. However, he used to report to the Garage after the work in the Mines was over. Finally he has stated that there were other Shovel Operators also working with him and they were also going to Mines for work. Thus, on reading the workman's evidence it is absolutely clear that he was appointed as a Shovel Operator and although he used to report for duty in the Garage which is outside the mining area, still he used to perform his duties in the Mines along with his colleagues. His evidence also reveals that employer used to give on hire machinery to other Mine owners and in that case he used to attend to that work in the Mines belonging to others. Now, the evidence of Kudchadkar who is the Executive Officer with the Employer-Company since 1954 discloses that Martin Duarte was serving in the Mines of G. N. Agarwal. He has also stated that when the machinery was hired by others he used to work with other mine owners at their mines. He was working with only one mine of Agarwal known as 'Bimol' Mines. Finally, he has stated that whenever he was deputed to other mines he was paid outdoor allowance and to corroborate him on this count, he has produced as many as 9 receipts at Exb. 9. In his cross examination he has admitted that the workman was not

given any appointment letter but whenever he was sent out on Mines of others, he was paid extra allowance. Finally, he has denied the suggestion that the workman was not a mining worker. Evidence of the 2nd witness by name Mandhaniya is on the point of settlement. However in his evidence he has stated that the workers used to work at Savordem Garage as also in Mines. In his cross examination, it has been again stated that Martin Duarte was serving in Mines and the employer used to send him out to other mines also.

10. Thus considering this oral evidence there cannot be any doubt to conclude that Martin Duarte was a mining worker and since he was appointed as a Shovel Operator, he used to spend most of his duty hours in Mines although he used to report for duty in Savordem Garage which is not within the mining area. The evidence further reveals that the Employer-Company used to give on hire its machinery to other mine owners and in that event also Martin Duarte used to serve in the mines of others. This contention of the employer, is fully supported by a documentary evidence at Exb. 9. It is a bunch of 9 receipts given by G. N. Agarwal who are styled as Mine Owners, Exporters of Mineral Ore and Importers. These receipts show that an extra amount was paid as meal allowance etc., to Martin Duarte whenever he was deputed for work in the Mines of V. S. Dempos and others. This documentary evidence further strengthens the conclusion that Martin Duarte was a Mining workman. Now, Shri Kunkollenkar has invited my attention to some of the observations of their lordships of Patna High Court in the case of M/s. Tata Iron and Steel Co. v. P. Venkata Swamy & Ors. (1976 LAB I, C. 1313). On page 1315 their lordships have reproduced Sec. 2(H) of the Mines Act and have observed thus:

"In order to classify a person "employed" in a mine, the nature of work must be related to a mining operation and this appears to be very restrictive by deliberate use of and mention of the words "persons engaged in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work, whatsoever, incidental to, or connected with mining operations."

Thus respectfully following the above referred observations as applicable to the present case, I am of the view that Martin Duarte is certainly a mining workman as defined in the Mines Act.

11. Now, Shri R. Mangueshkar for the workman has urged that the Employer-Company had not taken up a contention before Labour Commissioner that Martin Duarte is a mining worker and hence the Employer should not be allowed to raise this contention for the first time before this Tribunal. To support his submission in this behalf, he has invited my attention to some of the observations of their lordships of our High Court (Panaji Branch) in the case of Shri Vijay Kanta S. Naik v/s Dr. Renato Noronha in Writ Petition No. 182/86. In the said case, there was an implied admission on the part of the employer that the petitioner was a workman and hence it has been observed that it was not permissible for the employer to raise the said question before the Industrial Tribunal as the said employer was estopped from doing it. However, in the present case, the above referred observations as also the decision given in the said Writ Petition are absolutely of no assistance to Shri Mangueshkar for the obvious reasons that the facts in the present case are quite distinguishable with the facts in the Writ Petition case. On going through the judgment of the High Court, it clearly seems to me that in that case, there was a specific agreement between the employer and employee and as such there was an implied admission that the relationship of master and servant existed between the parties on the basis of which further proceedings were taken. In view of this state of affairs, it has been observed by their lordships that the employer was estopped from contending that the petitioner in that case was not a workman. However, in the present case, there was no specific agreement between the parties to this dispute. A copy of conciliation proceedings has been produced at Exb. 7 and a copy of settlement has also been produced at Exb. 10. Now, it is a common ground that M/s G. N. Agarwal has several concerns and several workers have been engaged in different establishments. Mining operations was one of them. Hence all the workmen employed by Agarwal seemed to have made a common cause before the Labour Commissioner who ultimately disposed it off by a settlement dated 4-11-87. On reading these two documents it cannot be said that there was any admission on the part of the employer indicating that Martin Duarte was not a mining worker. Moreover, the settlement at Exb. 10 was

arrived at between the employer and the representatives of Goa Mining Labour Welfare Union. Moreover in the case of Vijay Kanta S. Naik (Supra) there was a factual admission of the employer indicating that Vijay Kanta was a workman. In the present case, the status of Martin Duarte has a considerable relevance in deciding the jurisdiction of the Industrial Tribunal. It is indeed needless to say that if Martin Duarte is held to be a mining worker, then this Tribunal will have no jurisdiction to decide this reference. Thus, assuming even for the sake of argument that employer had given any such admission, still that would not have estopped him for challenging the status of Martin Duarte before this Tribunal in so far as there cannot be any estoppel against the statute. By his admission operating as estoppel, this Tribunal could not have been invested with the jurisdiction to decide this dispute when infact it is within the jurisdiction of the Central Industrial Tribunal to decide a dispute between the employer and mining workers. Thus, for all these reasons, I hold that the decision in Writ Petition 182/86 is absolutely of no assistance to Shri R. Mangueshkar.

12. Thus, after having considered the evidence in this case, I have come to an irresistible conclusion that Party I — Martin Duarte was a Mining Workman and since the Mines is a Central subject as provided in Sec. 2(a)(i) of the Industrial Disputes Act, this Tribunal is not competent to decide this reference. I, therefore, answer issue No. 1 in the negative.

13. When Issue No. 1 is answered in the negative the remaining issues do not survive for consideration and hence I have answered the same accordingly.

14. The result is, this reference is not competent in this Tribunal and hence the same deserves to be rejected with no order as to costs. I, therefore, pass the following order.

Order

The reference is rejected for want of jurisdiction with no order as to costs.

The Government be informed accordingly.

Sd/-
(M. A. Dhavale),
Presiding Officer
Industrial Tribunal.

Finance (Expenditure) Department

Order

No. 6/6/87-Fin (Exp)

Read: 1) Government Order No. 6/6/87-Fin (Exp) dated 21-1-1994.

2) Government Order No. 6/6/87-Fin (Exp) dated 28-4-1994.

The ad-hoc promotion of Shri V. H. Madkaikar to the post of Jt. Director of Accounts ordered vide orders cited above is hereby extended for a further period upto 24-12-1994.

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary Finance (Exp).

Panaji, 26th October, 1994.

Order

No. 6/5/91-Fin (Exp)/Part

Read:- Order No. 6/4/92-Fin (Exp) dated 11-11-1993.

The term of deputation of Shri Menino Dias, Assistant Accounts Officer of the Common Accounts Cardé presently functioning as Assistant Accounts Officer in the Khadi and Village Industries Board, Panaji is extended for a further period of one year i. e. from 19-11-94 to 18-11-95.

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Finance-Exp).

Panaji, 28th November, 1994.